

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DAVID G. STERN,  
Petitioner

v.

CIVIL ACTION NO. 04-10465-NG

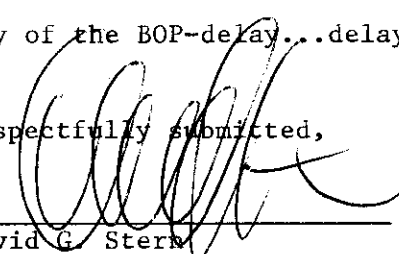
DAVID L. WINN,  
Respondent

SUPPLEMENT TO STATUS REPORT

NOW COMES the Petitioner, David G. Stern, and herewith files a Supplement to the Status Report filed this date regarding additional evidence that the BOP does not intend to comply with the Order of this Court dated September 17, 2004, and reports as follows: another inmate at FMC-Devens received this date, twelve days after the 1st Circuit rendered its decision in Goldings v. Winn, a Response to his Administrative Remedy Appeal to the Central Office (Washington D.C.) which states as a reason for denial of inmates request for six month CCC consideration "...Office of Legal Counsel, issued an opinion on December 13, 2002, that 18 U.S.C. §3624 (c) limits the transfer of an inmate to a CCC to the last 10% of an inmate's prison term, not to exceed six months."

There can be little doubt remaining that the BOP will NOT act expeditiously to implement the present Order, nor act in good faith. Petitioner requests that this Honorable Court supplement its Order of September 17, 2004 by directing the BOP and the Respondent to transfer Petitioner to a community confinement facility within 48 hours and failing that, release him to home confinement. It is clear that without Court intervention, its Order will be subjected to the heretofor espoused strategy of the BOP-delay...delay...delay.

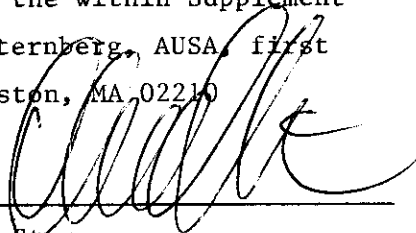
Respectfully submitted,

  
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David G. Stern  
23799-038  
Federal Medical Center-Devens  
P.O. Box 879  
Ayer, MA 01432

September 22, 2004

CERTIFICATE OF SERVICE

I, David G. Stern, hereby certify that a copy of the within Supplement to Status Report was this day mailed to Jeremy Sternberg, AUSA, first class mail, postage prepaid, 1 Courthouse Way, Boston, MA 02210

  
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David G. Stern

September 22, 2004